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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

THE ESTATE OF BRADLEY
NOWELL, et al.,

Plaintiffs,

vs.

FLOYD GAUGH IV, et al.,

Defendants.

**CASE NO. 2:09-cv-07631 AHM (SHx)
PRELIMINARY INJUNCTION**

PRELIMINARY INJUNCTION

Having considered the Complaint filed by Plaintiffs the Estate of Bradley Nowell, Jake & Troy Brand, LLC, and Sublime Merchandising, LLC (collectively, “Plaintiffs”) on file in the above-entitled action; the *Ex Parte* Application of Plaintiffs and the Memorandum of Points and Authorities, Declarations, and Exhibits submitted in support thereof; the documents submitted by Defendants Floyd Gaugh, IV, Eric Wilson, and Roman Ramirez in opposition thereto; and the oral argument on the matter, the Court finds that this is a proper case for the granting of a Preliminary Injunction. Specifically, the Court finds that (1) Plaintiffs have demonstrated a likelihood of probable success on their claims for trademark infringement and breach of contract; and (2) unless the Preliminary Injunction is granted, irreparable injury will result to the Plaintiffs before the matter can be heard.

IT IS HEREBY ORDERED that **DEFENDANTS FLOYD GAUGH IV, ERIC WILSON, AND RAMON RAMIREZ**, and their officers, agents, servants, employees, and attorneys, and all persons acting in concert or participation with any or all of them, be hereby enjoined and restrained from engaging in, committing, or performing, directly or indirectly, any and all of the following acts, from the issuance of this Preliminary Injunction until the entry of final judgment in this action:

a. Using the “Sublime” name and trademark, or any confusingly similar names or marks, for or in connection with any live performances or “musical sound recordings;”

b. Using the “Sublime” name or trademark, or any confusingly similar names or marks, for or in connection with the sale of goods and services, such as “posters, books related to music, calendars, decals, and stickers” and “clothing, namely, T-shirts, shirts, [and] sweat shirts;”

c. Using any Internet domain name containing the “Sublime” name or trademark, or any other confusingly similar domain name; and

1 d. Holding themselves out as the owner, or representing that they
2 are the owner, of the Sublime name or trademark.

3 The above Preliminary Injunction is effective upon Plaintiffs filing a bond in
4 the sum of \$125,000.

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DATED: November 05, 2009

Hon. A. Howard Matz
United States District Court Judge

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